

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

C.W. WRIGHT CONSTRUCTION
COMPANY, LLC

and

Case 06-CA-184475

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 126, AFL-CIO

NOTICE TO SHOW CAUSE

This matter comes before the Board upon the joint motion of Respondent C.W. Wright Construction Company, LLC, Charging Party International Brotherhood of Electrical Workers, Local 126, AFL-CIO, and the General Counsel to waive a hearing and decision by an administrative law judge and to transfer the proceedings to the Board for a decision based on the stipulated record.

On February 27, 2017, the General Counsel, through the Regional Director for Region 6, issued a complaint and notice of hearing alleging that the Respondent, since about March 19, 2016, has maintained several rules in its Policy and Procedures Manual. The complaint alleges that, by the foregoing conduct, the Respondent has violated Section 8(a)(1) of the Act by interfering with, restraining, and coercing employees in the exercise of their Section 7 rights.

On September 27, 2017, the parties filed a joint motion and stipulation of facts with the Board. Pursuant to Section 102.35(a)(9) of the Board's Rules and Regulations, the parties have waived a hearing before an administrative law judge and agreed to submit the record in this case directly to the Board for findings of fact, conclusions of law, and a Decision and Order.

When the joint motion was filed, the complaint allegations that the Respondent's rules violate Section 8(a)(1) of the Act would have been resolved based on the prong of the analytical framework set forth in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004), that held an employer's maintenance of a facially neutral work rule would be unlawful "if employees would reasonably construe the language to prohibit Section 7 activity." *Id.* at 647. Recently, the Board overruled the *Lutheran Heritage* "reasonably construe" test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14-17 (2017).

Having considered the matter, the Board hereby issues the following notice to show cause why the joint motion should not be denied and why this case should not be remanded to Region 6 for further proceedings in light of *Boeing*.

NOTICE IS GIVEN that any party seeking to show cause why this case should not be remanded to the Regional Director for Region 6 must do so in writing, filed with the Board in Washington, D.C., on or before October 15, 2018 (with affidavit of service on the parties to this proceeding). Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., October 1, 2018.

By direction of the Board:

/s/Farah Z. Qureshi

Associate Executive Secretary